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In re Application of	:	DECISION ON
LENEAU et al	:	
Application No.: 10/576,841	:	
PCT No.: PCT/US2004/034770	:	
Int. Filing Date: 20 October 2004	:	PETITION UNDER
Priority Date: 22 October 2003	:	
Attorney's Docket No.: P00902-US-01	:	
For: COLOSTRUM COMPOSITIONS AND	:	
METHODS	:	37 CFR 1.181

This Decision is in response to applicant's "REQUEST TO WITHDRAW AND REISSUE OFFICE ACTION," filed on 21 July, which is being treated as a petition under 37 CFR 1.181 indicating that the Article 34 amendments were not considered by the examiner in the examiner's office action dated June 27, 2008.

BACKGROUND

On 20 October 2004, this international application was filed, claiming an earliest priority date of 22 October 2003.

On 20 April 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371 (c)(1); U.S.C. 371(c)(2); and a declaration as required by 35 U.S.C. 371(c)(4).

On 20 April 2006, the DO/EO/US mailed a "NOTIFICATION OF ACCEPTENCE OF APPLICATION UNDER 35 U.S.C. 371" (Form PCT/DO/EO/909), which indicated a 20 April 2006 date of receipt of 35 USC 371(c)(1), (c)(2), and (c)(4) requirements.

On 27 June 2008, examiner mailed an office action that did not consider the Article 34 amendments filed during the international stage.

A review of the file shows that applicants timely submitted Article 34 amendments with the International Preliminary Examination Authority (IPEA/US) on 17 August 2005.

In view of the above, applicants' amendments were timely communicated to the IPEA/US. Accordingly, the instant application has been improperly examined since the examiner did not consider the Article 34 amendments. Therefore, the office action mailed on 27 June 2008 is **Vacated**. A new decision will be issued considering the Article 34 amendments.

DECISION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

The Office Decision mailed on 27 June 2008 has been **Vacated**.

This application will be forwarded to the proper Technology Center 1600 for a new decision taken into consideration the Article 34 amendments.



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